

ATTN: DA Registry / Information Management Team

Please index the following correspondence and the attached technical audit PDF to the public portal for DA A006774817 (11-15 Swinburne Street).

This documentation was submitted to the assessment officer on May 12, 2026, but requires formal indexing to the Development.i portal to ensure the public record is complete.

Dear Tyrah,

I refer to the "Amended Plans" (Document Date: 05/05/2026) submitted for **DA A006774817**. Following a technical audit of these documents, it is clear that the applicant has failed to adequately address (and in most cases has been incapable of addressing them at all) the fundamental issues raised - both from the community and Council itself – during the almost 12 month timeline of this application.

I restate all issues raised in my previous correspondence (Document Date: 10/04/26 and 26/02/26) both of which reiterated design and protocol failures initially outlined in my official submission received by Council on 29/01/2026 (Document Date: 06/02/2026). All of the planning breaches raised in my previous correspondence remain unaddressed and unresolved. Based on the lack of amendments in the "Amended Plans" (Document Date: 05/05/2026) as well as the near 12 month timeframe in which the applicant has been unable to resolve the various breaches within their application, it is becoming clear that the situation regarding application **DA A006774817** at **11-15 Swinburne Street** is unresolvable from the developer's perspective.

Instead of genuine design modifications, the developer has opted for "phantom amendments"—using cosmetic framing and labeling to try and simulate compliance while maintaining a virtually identical physical footprint. The lack of any meaningful change means the application persists in breaching the principles of amenity, privacy and equitable development while continuing to sterilize a prime location with plans that run counter to Council's strategic intent, policies and incentive schemes for this zone.

## **1. Built-to-Boundary Wall, Setbacks and Structural Privacy Screening**

After being brought to attention during the official notification period, the basement design remains structurally unresolved and **still** appears physically unbuildable as drawn. The "Amended Plans" maintain a **6.425m deep excavation** with a negligible **400mm offset** on the **western boundary**, yet fail to account for the significant structural footprint (piling and shoring) required to mitigate **ground instability** at the interface between 15 and 17 Swinburne Street.

Given the site's significant slope from the south-east down to the north-west, the developer is proposing a high-impact excavation at a point where the land is already naturally transitioning in altitude. A realistic retention system—essential for site stability :

-will inevitably encroach into the already constrained

basement design. This will force a reduction in the basement's internal dimensions and total parking yield. This is a **fundamental planning and safety issue** that cannot be deferred to the OPW phase; it must be resolved now to ensure the proposal is actually deliverable and that the structural integrity of adjoining long-term residences is not compromised.

Further examination of the "Amended Plans" shows a complete failure to rectify the critical amenity and privacy breaches previously identified at the western boundary interface, leaving Council's concerns from June of last year regarding PO7 of the Multiple Dwelling Code entirely unaddressed. Despite clear requests to mitigate building bulk and visual impact in an Information Request made by Council over 10 months ago, the proposal still lacks a functional 3-metre-wide **deep planting zone** with 5m mature screening trees and fails to incorporate the necessary stepping or **setbacks** to soften the western boundary interface. Furthermore, the amended privacy treatments remain deficiently restricted to Levels 1 and 2; this leaves Levels 3, 4 and 5 to produce a severe "fishbowl" effect

This intrusion is further exacerbated by

unresolved cladding gaps that permit **direct overlooking** through building voids between balconies and the western side of the building. Consequently, the proposal remains fundamentally flawed, as it continues to ignore the technical requirements for screening and articulation necessary to protect the amenity of adjoining residents.

## 2. Site Sterilization & Equitable Development

The proposal continues to represent a **fragmented and disorderly** development approach that prioritizes developer yield over the long-term strategic intent for the high altitude ridge-position of this site. By persisting with an **over-scaled build** on a restricted 810m<sup>2</sup> lot, the applicant is effectively "locking in" constraints that **sterilize** the future development potential of the remaining ridge-line lots rendering them as permanently **Isolated Sites**. This project relies on "Performance Outcome" compromises rather than the City Plan's intended landmark outcomes for the HDR1 zone. Council has a duty to reject this "**sandwich effect**" design to ensure the Lutwyche Road Corridor is developed in an orderly and equitable manner, as per the clear intent of Performance Outcome PO1. In addition to the privacy and amenity implications caused by the lack of a three metre setback on the western boundary as outlined in Section 1 above, the deficient setbacks proposed by the applicant would also force any future development to bear an **inequitable burden of separation**, effectively transferring the internal amenity requirements at 11 & 15 Swinburne Street onto the neighboring properties.

## 3. Unaddressed Procedural Fatal Flaw (Signage Error)

It is professionally concerning that after over 5 months since the commencement of the notification period, no correspondence has been produced by the applicant to clarify the **materially inaccurate signage** displayed during the public notification period. As documented in my initial submission and reiterated in subsequent portal correspondence with **photographic evidence**, the notification period signage explicitly advertised a "2.945m western setback" at Ground Level, whereas the plans show a 0m built-to-boundary wall. The applicant has had ample opportunity to address this "notification deception" and has failed to do so. This remains a **significant breach of protocol** that fundamentally misled the public and, in my view, invalidates the integrity of the notification phase.

## Conclusion

In summary, the abnormal 12-month duration of this application combined with the persistent "paper compliance" and the applicant's clear inability to practically address Council and community concerns raised throughout the last year demonstrates that this design is a technical failure.

If a sub-standard application of this nature - which is manifestly deficient across so many areas and has been for almost 12 months - were to progress, especially in light of the deceptive signage problem, it would be inappropriate for it not to be contested in the Planning and Environmental Court.

When can I expect a formal response from Council regarding these persistently documented discrepancies?

Regards,

**Subject:** URGENT: Technical Audit of Amended Plans (Document Date: 05/05/2026) – DA A006774817 – [Ref: CO02715-2026]

**Attn:** Tyrah Zarafa (Senior Urban Planner) tyrah.zarafa@brisbane.qld.gov.au

**CC:** BCC Central Case Office (Ref: CO02715-2026); DS Planning Support dalodgement@brisbane.qld.gov.au DSPlanningSupport@brisbane.qld.gov.au

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